

EXHIBIT “A”

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

AUGUST 2021**002277**

E-Filing Number: 2108048352

PLAINTIFF'S NAME
AIDEN MILLERDEFENDANT'S NAME
ADRENALINE AMUSEMENTS, INC.PLAINTIFF'S ADDRESS
127 MERCY STREET
PHILADELPHIA PA 19148DEFENDANT'S ADDRESS
2273 RUE ANTONIO HEROUX
TERREBONNE QC J6X 4R3PLAINTIFF'S NAME
MARY KATE. MILLER

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS
127 MERCY STREET
PHILADELPHIA PA 19148

DEFENDANT'S ADDRESS

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

2

TOTAL NUMBER OF DEFENDANTS

1

COMMENCEMENT OF ACTION

☒ Complaint☐ Petition Action☐ Notice of Appeal☐ Writ of Summons☐ Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

☐ \$50,000.00 or less☒ More than \$50,000.00

COURT PROGRAMS

☐ Arbitration☒ Jury☐ Non-Jury☐ Other:☐ Mass Tort☐ Savings Action☐ Petition☐ Commerce☐ Minor Court Appeal☐ Statutory Appeals☐ Settlement☐ Minors☐ W/D/Survival

CASE TYPE AND CODE

20 - PERSONAL INJURY - OTHER

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED
PRO PROTHY****AUG 25 2021****S. RICE**IS CASE SUBJECT TO
COORDINATION ORDER?

YES

NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: AIDEN MILLER , MARY KATE MILLER

Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY

BRAD R. KRUPNICK

ADDRESS

1333 RACE STREET
PHILADELPHIA PA 19107

PHONE NUMBER

(215) 665-0100

FAX NUMBER

none entered

SUPREME COURT IDENTIFICATION NO.

76823

E-MAIL ADDRESS

bkrupnick@fineandstaud.com

SIGNATURE OF FILING ATTORNEY OR PARTY

BRAD KRUPNICK

DATE SUBMITTED

Wednesday, August 25, 2021, 02:44 pm

FINE & STAUD, LLC
BY: BRAD R. KRUPNICK, ESQUIRE
ATTORNEY I.D. 76823
BY: ANDREW P. ROSEN, ESQUIRE
ATTORNEY I.D. 318351
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arosen@fineandstaud.com

ATTORNEYS FOR PLAINTIFFS
 Filed and Attested by the
 Office of Judicial Records
THIS IS NOT AN ARBITRATION MATTER
 10/20/21 2:44 pm
 S. RICE
 DISTRICT OF PHILADELPHIA

MAJOR JURY

MARY KATE MILLER, individually and	:	COURT OF COMMON PLEAS
as P/N/G of AIDEN MILLER, a minor	:	
127 Mercy Street	:	PHILADELPHIA COUNTY
Philadelphia, PA 19148	:	
Plaintiffs	:	AUGUST TERM, 2021
	:	
v.	:	NO.
	:	
ADRENALINE AMUSEMENTS, INC.	:	
2273 Rue Antonio Héroux, Terrebonne	:	
QC, Canada J6X 4R3	:	
Defendants	:	

NOTICE TO PLEAD

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you.

You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**PHILADELPHIA BAR ASSOCIATION
Lawyer Referral & Information Service
1101 Market Street, 11th Floor
Philadelphia, PA 19107
(215) 238-6333 TTY# (215) 451-6197**

perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**ASOCIACION DE LICENCIADOS DE
FILADELFIA
Servicio De Referencia E. Informacion
1101 Market Street, 11th Floor
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ATTORNEYS FOR PLAINTIFFS

THIS IS NOT AN ARBITRATION
MATTER

MAJOR JURY

MARY KATE MILLER, individually and :
as P/N/G of AIDEN MILLER, a minor :
127 Mercy Street :
Philadelphia, PA 19148 :
Plaintiffs :

v. :

ADRENALINE AMUSEMENTS, INC. :
2273 Rue Antonio Héroux, Terrebonne :
QC, Canada J6X 4R3 :
Defendants :

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

AUGUST TERM, 2021

NO.

CIVIL ACTION COMPLAINT
PERSONAL INJURY

1. Plaintiff, Mary Kate Miller, is an adult individual and resident of the Commonwealth of Pennsylvania, and is the P/N/G of Aiden Miller, a minor, residing at 127 Mercy Street.

2. Defendant, Adrenaline Amusements, Inc., (hereafter "Adrenaline") is a foreign corporation or other business entity with a principal place of business at 2273 Rue Antonio Héroux, Terrebonne, QC, Canada J6X 4R3.

3. At all times relevant hereto, Defendant Adrenaline was in the business of inspecting, repairing, designing, manufacturing, assembling, distributing and selling commercial arcade games and equipment including a game known as the Spinner Frenzy.

4. Defendant put its Spinner Frenzy game into the stream of commerce.

5. At all times relevant hereto, Defendant Adrenaline regularly conducted business in and maintained substantial and continuous contacts with the Commonwealth of Pennsylvania.

6. Jurisdiction and venue are proper in Philadelphia County in that all major transactions and occurrences giving rise to the civil action occurred in Philadelphia County.

7. On or about June 5, 2019, at approximately 6:15 p.m., Plaintiff Aiden Miller was lawfully at a Chuck E Cheese restaurant located at 9 Snyder Avenue in Philadelphia, PA when, because of the unreasonably dangerous conditions of defendant's arcade machine, Plaintiff was crushed by a Spinner Frenzy video game machine, which was manufactured and distributed by Defendant Adrenaline, after the machine fell on top of him, causing injuries to Plaintiff as more fully set forth herein.

8. Plaintiff was trapped under the machine, which weighs approximately 390 pounds, for approximately 15 seconds until he was freed by a bystander.

9. Solely as a result of the negligence and carelessness of defendant, the Plaintiff, Aiden Miller, suffered a traumatic crush injury resulting in a minimally displaced right superior ramus fracture and nondisplaced left posterior iliac wing fracture, leg pain, post-traumatic stress disorder and those other conditions that have been documented by his treating physicians and contained in those physicians' records, all directly as a result of the aforesaid defective condition of the defendant's Spinner Frenzy arcade machine.

10. Solely as a result of the above, Plaintiffs, Mary Kay Miller and Aiden Miller, have in the past, are presently and will in the future be obliged to receive and undergo medical attention and care, and to expend various sums of money, or to incur various expenses for his

injuries, and they may be obligated to continue to expend such sums of money or incur such expenses for an indefinite time into the future, to their great detriment and loss.

11. As a further result of this incident, and by reason of the injuries aforesaid, Plaintiff, Aiden Miller, has or may be in the future continue to suffer great pain and agony, mental anguish, loss of life's pleasures, scarring, humiliation, and has been or may be in the future hindered from attending to his daily duties, functions, and occupations to his great damage and loss.

12. As a result of said incident, Plaintiff, Aiden Miller, has in the past, is presently and will in the future be caused to suffer restrictions and limitations of his normal activities of daily living.

COUNT I
MARY KATE MILLER, INDIVIDUALLY AND AS P/N/G OF AIDEN MILLER v.
ADRENALINE AMUSEMENTS, INC.
PRODUCTS LIABILITY

13. Plaintiffs incorporate by reference the facts and averments contained in the above paragraphs as though they were set forth at length herein.

14. The Spinner Frenzy video game machine was defective and not reasonably safe for its ordinary and intended use because:

- a. A defect in the design of the Spinner Frenzy caused the machine to be prone to falling over;
- b. A defect in the manufacture of the Spinner Frenzy caused the machine to be prone to falling over.
- c. The material from which the Spinner Frenzy was constructed was not appropriate given its design and intended function/use;

- d. The material and/or device securing the Spinner Frenzy to the floor was of inferior quality thereby causing the machine to be prone to falling over;
- e. The Spinner Frenzy machine was not adequately tested and designed to ensure durability under foreseeable operating conditions thereby causing the machine to be prone to falling over;
- f. The Spinner Frenzy machine was prone to falling over during its ordinary and intended use;
- g. The Spinner Frenzy machine lacked adequate directions, instructions and/or warnings so as to enable the end user to identify, prevent and/or remediate potential problems with the machine;
- h. The Spinner Frenzy lacked adequate safety protections which could prevent the machine from falling over;
- i. After the sale of the Spinner Frenzy machine, the Defendant failed to warn its intended users, such as Plaintiffs, about the foregoing defects with the machine; and
- j. The Spinner Frenzy machine malfunctioned and failed during its ordinary and intended use, and all causes of failure, other than the above referenced defect, have been eliminated.

15. The Spinner Frenzy machine was unsafe, unreasonably dangerous and defective when it left the possession of defendant Adrenaline Amusements, Inc.

16. At all times material hereto, the Spinner Frenzy machine was used for its ordinary and intended purpose.

17. As a direct and proximate result of the unsafe, unreasonably dangerous and defective condition of the Spinner Frenzy machine as aforesaid, it fell on Plaintiff while he was using it thereby causing injuries to Plaintiff.

WHEREFORE, Plaintiff, Mary Kate Miller, individually and as P/N/G of Aiden Miller, demands judgment against Defendant, Adrenaline Amusements, Inc., for a sum in excess of Fifty Thousand (\$50,000.00) Dollars together with interest and costs of suit.

COUNT II
MARY KATE MILLER, INDIVIDUALLY AND AS P/N/G OF AIDEN MILLER v.
ADRENALINE AMUSEMENTS, INC.
NEGLIGENCE

18. Plaintiffs incorporate by reference the facts and averments contained in the above paragraphs as though they were set forth at length herein.

19. Defendant owed a duty of care to Plaintiff to design, manufacture, assemble, distribute and sell the Spinner Frenzy Machine in a reasonably safe manner so as to avoid foreseeable risks of harm.

20. Defendant also owed a duty to Plaintiff to design, manufacture, assemble, distribute and sell the Spinner Frenzy machine in a manner consistent with the standards of care within the profession of designing, manufacturing, assembling, distributing and/or selling equipment such as the Spinner Frenzy machine.

21. Defendant inspected, serviced, repaired and maintained the Spinner Frenzy machine after its sale and therefore owed Plaintiff a duty to perform this work in a reasonably safe manner so as to avoid foreseeable risks of harm and in a manner consistent with the standards of care within its profession.

22. Defendant Adrenaline Amusements, Inc. breached its duty of care and was negligent for the following reasons:

- a. Failing to exercise ordinary care in the design of the Spinning Frenzy machine;
- b. Improperly placing the machine in a position that enabled it to fall onto Plaintiff, which resulted in injuries to Plaintiff;
- c. Failing to exercise ordinary care in the choice of materials used to secure the subject machine to the floor of the Spinner Frenzy machine;
- d. Improperly selecting materials that could not properly and/or adequately secure the machine to the surrounding area;
- e. Failing to ensure proper quality of the material that would keep the machine secured in place;
- f. Failing to adequately test the Spinner Frenzy machine so as to ensure adequate durability and safety of the machine during its ordinary and intended use;
- g. Failing to provide adequate directions, instructions and/or warnings so as to enable the end user to identify, prevent and/or remediate safety issues associated with the Spinner Frenzy machine;
- h. After the sale of the Spinner Frenzy machine, failing to warn intended users about defects associated with the machine;
- i. Failing to properly inspect, service and/or maintain the Spinner Frenzy machine;
- j. Failing to properly train or supervise employees and/or agents who inspected, repaired, serviced and maintained the Spinner Frenzy machine;
- k. Failing to properly train or otherwise instruct end users about the use, maintenance and/or operation of the Spinner Frenzy machine; and

1. Failing to provide adequate instructions regarding the proper use of the Spinner Frenzy to prevent injuries to Plaintiff and others similarly situated.

23. At all times material hereto, Plaintiff exercised reasonable care with respect to the use and operation of the Spinner Frenzy machine.

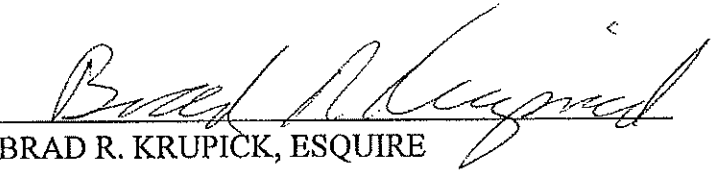
24. As a direct and proximate result of the negligence and lack of ordinary care of Defendant Adrenaline Amusements, Inc., the Spinner Frenzy machine collapsed on Plaintiff, causing him injuries as set forth herein.

WHEREFORE, Plaintiff, Mary Kate Miller, individually and as P/N/G of Aiden Miller, demands judgment against Defendant, Adrenaline Amusements, Inc., for a sum in excess of Fifty Thousand (\$50,000.00) Dollars together with interest and costs of suit.

RESPECTFULLY SUBMITTED:

FINE & STAUD LLC

BY:


BRAD R. KRUPICK, ESQUIRE
ANDREW P. ROSEN, ESQUIRE
ATTORNEYS FOR PLAINTIFFS

VERIFICATION

I, BRAD R. KRUPNICK, ESQUIRE, being duly sworn according to law, deposes and says that I am the attorney for the Plaintiff in the above matter and that I am authorized to execute this Verification. I hereby verify that the statement made in the foregoing pleading are true and correct to the best of my knowledge, information and belief, and I understand that statements in the foregoing pleading are made subject to the penalties of 18 Pa. C.S. A. § 4904 relating to unsworn falsification to authorities.

DATED: 8-25-21


BRAD R. KRUPNICK, ESQUIRE